

SYSTEM AND METHOD OF FACILITATING CONTENT DELIVERY TO A USER

FIELD OF THE INVENTION

[0001] The present invention relates generally to consumer marketing and privacy. In particular, the present invention relates to a system and method of facilitating the delivery of content between a content provider and a user.

BACKGROUND OF THE INVENTION

[0002] Targeted direct marketing has long been an effective method for reaching the consumer and generating increased revenue for the marketer. By delivering to the consumer specifically targeted advertisements and related content, the consumer is more likely to respond and purchase the product or service being advertised. To further increase the effectiveness of the advertising, the marketer will often deliver the content directly to any of the user's "personal advertising property," including, for example, the user's: telephone, email account, wireless device, PDA, personal computer, vehicle, television, and multi-media experience.

[0003] Although marketers earn billions of dollars in revenue per year from accessing the user's property, the user typically receives no compensation in return. This failure to compensate the user occurs even when the user owns the property being accessed by the marketer. For example, a consumer who purchases an email account may be bombarded by unwanted spam email, but receive nothing but a clogged email box. In contrast, the

email marketer and their clients may earn substantial revenue from trespassing on the consumer's email address. The results are the same when the direct marketer delivers content to the consumer's telephone, personal computer, and other personal advertising property -- although the consumer bears the burden of receiving the content, they are not rewarded for their time and attention. Many consumers believe they have a right to be compensated for the use of their property.

[0004] In some instances, a consumer may choose to receive content from a marketer. Consumers may choose to receive additional information and content about a product, for example, when they make an on-line purchase. In some cases, a consumer may even receive nominal compensation for "opting-in" to receiving content from a particular content provider. The consumer does not, however, have the option of negotiating the amount and type of content and/or compensation received. A marketer may be unwilling to deal with the demands of a single consumer. Accordingly, it is desirable to have an agent acting on behalf of a consumer population to promote and create value from each consumer's personal advertising property.

[0005] Even those consumers who opt-in with content providers and receive useful, solicited content may also receive countless instances of unsolicited marketing content. Many consumers consider these unsolicited telemarketing calls and spam email messages an invasion of their privacy. Despite regulations relating to telemarketing and "spam detectors" offered by email account hosts, the volume of unsolicited content reaching the user remains significant. Many consumers are interested in preventing this unsolicited

marketing from reaching their property.

[0006] The National Do Not Call List Act was drafted to allow consumers to add their name to the National Do Not Call List. Because it prohibits most advertisers from soliciting participating consumers via the telephone or a wireless device against the consumer's wishes, this list may have a significant impact on the direct marketing industry. Coupled with growing consumer angst against direct marketing, this list, along with similar lists relating to other types of direct marketing, may create a significant consumer supply shortage and may generate instant demand from content providers and their clients for opt-in consumer populations.

[0007] The system and method of the present invention answers the needs of both the consumer and the marketer, and at least some embodiments of the present invention provide significant advantages over the prior art. It is an advantage of embodiments of the present invention to provide a system and method for representing a consumer to a content provider for the purpose of promoting the user's personal advertising property and protecting the user's privacy. It is an additional advantage of embodiments of the present invention to respond to an increased demand from marketers and their clients for relevant and reliable consumer populations. It is a further advantage of embodiments of the present invention to provide an exchange where access to a consumer's time and attention may be traded for financial compensation and relevant advertising. Additional advantages of various embodiments of the invention are set forth, in part, in the description that follows and, in part, will be apparent to one of ordinary skill in the art from the description and/or

from the practice of the invention.

SUMMARY OF THE INVENTION

[0008] Responsive to the foregoing challenges, Applicant has developed an innovative system and method of facilitating delivery of content from a content provider to a user. The method comprises the step of negotiating an agreement between the content provider and the user to provide content to the user and to provide compensation to the user for receiving the content. The content may comprise, for example, at least one advertisement.

[0009] Applicant has further developed an innovative method of promoting a user for receiving content from a content provider. In one embodiment, the method comprises the steps of: receiving authorization from the user to represent the user to the content provider; receiving an offer from the content provider to provide content to the user; communicating acceptance of the offer to the content provider on behalf of the user; and providing the content to the user.

[0010] Applicant has developed an innovative computer readable medium containing program instructions for: receiving authorization from a user to represent the user to a content provider; receiving an offer from the content provider to provide content to the user; and communicating acceptance of the offer to the content provider on behalf of the user.

[0011] Applicant has further developed an innovative system for representing a user to a content provider, comprising an agent for negotiating an agreement between a content provider and a user to provide content to the user and to provide compensation to the user for receiving the content.

[0012] It is to be understood that both the foregoing general description and the following detailed description are exemplary and explanatory only, and are not restrictive of the invention as claimed.

BRIEF DESCRIPTION OF THE DRAWINGS

[0013] In order to assist the understanding of this invention, reference will now be made to the appended drawings, in which like reference characters refer to like elements.

[0014] Figure 1 is a schematic diagram of the system for facilitating the delivery of content from a content provider to a user according to an embodiment of the present invention.

[0015] Figure 2 is a flow chart of a method for facilitating the delivery of content from a content provider to a user according to an embodiment of the present invention.

[0016] Figure 3 is a flow chart illustrating the user authorization process according to an embodiment of the present invention.

[0017] Figure 4 is a flow chart illustrating the agreement negotiation process according to an embodiment of the present invention.

[0018] Figure 5 is a flow chart illustrating the content delivery process according to an embodiment of the present invention.

[0019] Figure 6 is a flow chart illustrating the compensation process according to an embodiment of the present invention.

DETAILED DESCRIPTION OF EMBODIMENTS OF THE INVENTION

[0020] Reference will now be made in detail to embodiments of the system and method of the present invention, examples of which are illustrated in the accompanying drawings. With reference to Fig. 1, an embodiment of the present invention is shown as a system **10** for facilitating the delivery of content from a content provider to a user.

[0021] The system **10** includes a marketing rights agent **20** in communication with at least one content provider **40** and at least one user **30**. The agent **20** preferably comprises a web-based application, and may be in communication with the content provider **40** and the user **30** over a network, such as, for example, the Internet. The agent **20** is in communication with at least one database **25** for storing information relating to the content provider **40** and the user **30**. The content provider **40** and the user **30** may have access to the information residing on the database **25**. In one embodiment of the present invention, the content provider **40** may have restricted access to the information residing on the database **25**.

[0022] The agent **20** facilitates the delivery of content from the content provider **40** to the user **30**. As shown in Fig. 2, the agent **20** receives authorization from the user **30** to represent the user **30** to the content provider **40**. The agent **20** negotiates an agreement with the content provider **40** to provide the content to the user **30**. The content is provided to the user **30**, preferably by the content provider **40**. The user **20** then receives compensation for receiving the content.

[0023] The content provider **40** may comprise any entity involved in providing content to

the user **30**, including, but not limited to, an advertiser, a direct marketer, an email marketer, a telemarketer, product manufacturer, service provider, and/or an Internet Service Provider (ISP). It is contemplated that the content provider **40** may comprise a party acting on behalf of one or more content providers.

[0024] The content provided to the user **30** may include any marketing related content. The content may include, but is not limited to, an advertisement, an inbound telephone message, an outbound telephone message, an email message, an on-line advertisement, a website link, a game, a logo, a commercial, a lottery, a promotion, an instant-win component, a graphic to be affixed to the user's vehicle, a celebrity guest voice, a poll, special effects, music, video, audio, or any other content provided to the user **30**.

[0025] The present invention as described herein is intended to operate on one or more server computers. As will be apparent to those of ordinary skill in the art, this can be accomplished, for example, by users and content providers accessing computer readable media stored on the one or more servers via the Internet. This readable media contains program instructions for accomplishing various process steps described below. The one or more servers may be adapted to operate on any platform required, including, but not limited to a, Unix, Linux, and/or Microsoft platform.

[0026] Fig. 3 is a flow chart illustrating the user authorization process **100** according to one embodiment of the present invention. The user **30** engages the agent **20** and grants authorization to represent them for receiving content from the content provider **40**. In step **110**, the user accesses the agent **20**, for example, via an Internet website. The user **30**

may be directed to access the agent **20** by marketing material provided to the user **30**.

[0027] After the user has accessed the agent **20**, the user receives a registration query. If the user indicates that he is not registered, the user may be provided with first-time user or non-registered user introductory information. In step **120**, the user is then directed to a registration interface to establish a user account. The user **30** enters data through the registration interface to create a user profile. The data may include, for example, detailed demographic and geographic information relating to the user **30**. The information provided in the user profile may narrow the content received from the content provider **40**, such that the user **30** receives only content (e.g., advertisements relating to products and services) in which the user is interested.

[0028] The user **30** may also provide content provider access information in order to define the content providers **40** that have access to the individual's user profile. The user may specify the types of content providers from whom they wish to receive content. The user may also indicate specific content providers **40** with which they wish to communicate and/or specific content providers **40** with which they do not wish to communicate. The content provider access information may be included in the user's profile. The completed user profiles are stored in the database **25**, and are accessible to approved content providers **40**.

[0029] In step **130**, after completing the user profile, the user accepts conditions for the agent's representation to the content provider **40**. The user **30** is presented with the agent's privacy policy and the terms and conditions for the representation. In some, but

not necessarily all, embodiments of the present invention, the user may be required to accept terms and conditions for representation relating to one or more of the following: user age requirements, user citizenship requirements, compensation type, compensation amount, term of representation, and exclusivity of representation. In one embodiment of the present invention, the user may be required to agree to update their user profile at predetermined time periods. In one embodiment of the present invention, the user may be required to interact with at least one instance of content during a predetermined time period. For example, the user may be required to listen to one phone advertisement per month, if an agreement with a content provider is established. In one embodiment of the present invention, the user may be required to agree to participate in class action litigation against a content provider.

[0030] After the user **30** has accepted the terms and conditions of the agreement, the authorization process is complete. In one embodiment of the present invention, new users may receive a “welcome” communication from the agent **20**, containing instructions and other relevant information relating to the system **10**.

[0031] Registered or existing users may access the agent **20**, for example, by providing a username and/or password. As shown in step **140**, an existing user may access their existing user account to update profile information and interests, view earnings, redeem earnings, and/or engage in on-line shopping. It is contemplated that existing users may accomplish various other functions when accessing the agent **20**.

[0032] Fig. 4 is a flow chart illustrating the agreement negotiation process according to one embodiment of the present invention. The agent **20** negotiates an agreement between the content provider **40** and the user **20**. In step **210**, the participating content provider **40** accesses the agent **20**. As shown in step **220**, the content provider **40** may then search through the user profiles stored on the database **25** via an online interface. The content provider's access may be limited to only those user profiles in which the user **30** has granted access permission to that content provider **40**. The content provider **40** then selects relevant users **30** to whom they are interested in delivering content. For example, the content provider **40** may select users having a particular demographic or geographic characteristic, or interest.

[0033] In step **230**, the content provider **40** makes an offer to provide content to the user **30**. This may be accomplished through an on-line interface hosted by the agent **20** that prompts the content provider **40** to provide offer data detailing their interest. The offer data may include, but is not limited to, information relating to the content to be provided (e.g., products or services to be advertised), the number of instances of content expected to be delivered, coupon and/or discount opportunities, revenue per lead data, and/or the amount and type of compensation to be provided to the user. In the case in which the content provider **40** is an agent of one or more advertisers, the content provider **40** may further provide details about the client(s) they represent. The details of the offer are saved into the database **25**.

[0034] In step **240**, the agent **20** receives the offer from the content provider **40**. Based on the contents of the offer, the agent **20** generates an Agreement which includes the terms and conditions of the relationship between the user **20** and the content provider **40**. If the terms of the Agreement are acceptable, the content provider **40** commits to the Agreement. The agent **20** may then send the content provider **40** a confirmation communication (e.g., email, and/or voicemail) confirming the offer and explaining the user acceptance process.

[0035] In step **250**, if determined to be acceptable, the offer to provide content to the user **20** is accepted. In one embodiment of the present invention, the agent **20** accepts the content provider's offer on behalf of the user **20**, and communicates the acceptance to the content provider **40** and the user **30**. This acceptance may be based on information provided by the user **30** in the user profile. The acceptance may be communicated to the content provider **40** and the user **30** via, for example, an email notification, and/or a voicemail notification. The content provider **40** may then provide content to the user **30** pursuant to the terms and conditions of the Agreement.

[0036] In an alternative embodiment, the user **30** may accept the offer from the content provider **40** directly. In this embodiment, upon acceptance of the Agreement by the content provider **40**, the offer will be forwarded to the user **30** for their consideration. In one embodiment, the offer is forwarded to the user **30** via an email including an embedded link to an on-line offer acceptance interface hosted by the agent **20**. After accessing the offer acceptance interface, the user **30** is required to read the terms and conditions of the

Agreement detailing the offer. If the terms and conditions of the Agreement are acceptable, the user **30** accepts the Agreement. The accepted Agreement is stored in the database **25** and a notice is communicated to the user **30** and the content provider **40**. The content provider **40** may then provide relevant content to the user **30** pursuant to the terms and conditions of the Agreement.

[0037] If the offer submitted by the content provider **40** is unacceptable to the user **30**, a counter-offer may be communicated to the content provider **40**. When the user **30** accesses the offer acceptance interface, the user **30** enters counter-offer data. Based on the contents of the offer, the agent **20** generates a revised Agreement which includes the revised terms and conditions of the relationship between the user **20** and the content provider **40**. If the terms of the revised Agreement are acceptable, the user **30** commits to the revised Agreement, and submits the counter offer. The revised Agreement is stored in the database **25**. The agent **20** may then send the content provider **40** a communication (e.g., an email, and/or voicemail) indicating that a counter-offer has been made. After accessing the offer acceptance interface, the content provider **40** indicates their acceptance or rejection of the revised Agreement. If the terms and conditions of the revised Agreement are acceptable, the content provider **40** accepts the revised Agreement. The accepted Agreement is stored in the database **25** and a notice is communicated to the user **30** and the content provider **40**. The content provider **40** may then provide relevant content to the user pursuant to the terms and conditions of the Agreement. If the content

provider **40** rejects the user's counter offer, the user will receive a communication and no agreement is established.

[0038] Fig. 5 is a flow chart illustrating the content delivery process **300** according to an embodiment of the present invention. The content delivery process will be described in connection with an inbound telephone advertising embodiment. As described above, however, the content provided to the user **30** may include any marketing related content.

[0039] As shown in step **310**, the content provider **40** and the user **30** establish contact. In the case of inbound telephone marketing, for example, the user **30** may contact the content provider **40** by dialing a toll-free telephone number. In step **320**, the content is then delivered to the user **30**. For example, in the case of inbound telephone marketing, a message or series of messages is played to the user over the phone. The messages may include an advertisement that is relevant to the user based on the user profile stored in the database **25**.

[0040] As shown in step **330**, the delivery of the content is then confirmed. After listening to a message(s), the user is prompted to verbally, or through the use of the telephone keypad, respond to a question or series of questions relating to the message. This may be accomplished using known Interactive Voice Response (IVR), Advanced Voice Recognition (AVR), and/or related telephony technologies. Alternatively, the user **30** may be prompted to speak directly with the content provider **40**. The questions may be adapted to determine whether the user **30** has listened to the particular message. A correct answer to a question, for example, may demonstrate that the user has listened to

and understood the message. The user **30** may also request to re-listen to the message(s).

[0041] As shown in step **340**, the results of the user's responses are recorded in the database **25**. This may be accomplished using known Voice Extensible Markup Language (VXML) technology, such as, for example, VoiceXML or VMXL. The content provider **40** may then access the results via the database **25** and analyze the effectiveness of the advertisement.

[0042] In one embodiment of the present invention, before, during, or after delivery of the content, the user **30** may request additional information regarding the content (e.g., the advertised product or service) or make a purchase. If additional information is requested, the user may be directed to a call center where direct contact between the content provider **40** and the user **30** is established.

[0043] Fig. 6 is a flow chart illustrating the compensation process **400** according to one embodiment of the present invention. In step **410**, data relating to the content provided to the user **30** is tracked and recorded in the user's account in the database **25**. This data may include, for example, the number of instances the content was provided to the user **30**. As will be apparent to those of ordinary skill in the art, the tracking may be accomplished by hardware and software designed for routing content including, but not limited to, IVR, AVR, and VXML related technology. The necessary hardware and software may be located at the content provider **40**. In one embodiment, the content provider **40** may route the delivery of the content through the agent **20** such that the data relating to the

content provided to the user **30** is tracked directly by the agent **20**.

[0044] As shown in step **420**, on a periodic basis the agent **20** accesses the user's account and reviews the tracking data. Based on the data, the agent **20** calculates the compensation due to the user **30** and generates an invoice. The invoice is communicated to the content provider **40**. In step **430**, the user's account is credited with the compensation. In one embodiment of the present invention, the content provider **40** may be required to deposit in the user account, or with the agent **20**, the compensation due to the user before actual delivery of the content to the user.

[0045] Based on the data, the agent **20** may also calculate the compensation due to the agent **20** for services provided. This compensation may be provided to the agent **20** by the content provider **40**, or by the user **30**, depending on the terms of the Agreement.

[0046] If the content provider **40** violates the terms and conditions of the Agreement, the user **30** may opt-out of the content delivery. The user **30** may access an opt-out interface hosted by the agent **20** and indicate their desire to be removed from the content provider's content delivery list. The information provided by the user **30** is stored in the database **25**, and an opt-out notice is communicated to the content provider.

[0047] The agent **20** may also act to protect the privacy of the user **30**. When a user **30** receives unsolicited content from a content provider **40** the user **30** may contact the agent **20**. The user **30** may access a content provider complaint interface hosted by the agent **20** and provide data relating to the offending content and/or content provider. For example, the user **30** may provide an email address (in the case of an offending spam email

provider) or a telephone number (in the case of an offending telemarketer). The complaint is stored in the database **25**. Upon receipt of the complaint from the user **30**, the agent **20** generates a cease and desist notice describing the agent's representation of the user **30**, and citing the violation of the user's privacy. The notice is communicated to the content provider **40** using any available contact information, and copied to the user **30**. If the user **30** receives an additional unsolicited instance of content from the content provider **40**, the complaint process is repeated. If a second cease and desist communication is ignored by the content provider **40**, the agent **20** may attempt to identify the content provider **40** and submit all relevant information to the Federal Communications Commission (FCC), or other regulatory body. The agent **20** may also organize and file a lawsuit on behalf of the user **30** against the content provider **40**.

[0048] It will be apparent to those skilled in the art that variations and modifications of the present invention can be made without departing from the scope or spirit of the invention.